

City of Downey

FUTURE UNLIMITED



CITY COUNCIL

MAYOR

FERNANDO VASQUEZ

MAYOR PRO TEM

LUIS H. MARQUEZ

COUNCIL MEMBERS

ROGER C. BROSSMER
ALEX SAAB
DN. MARIO A. GUERRA

CITY MANAGER

GILBERT A. LIVAS

CITY CLERK

ADRIA M. JIMENEZ, CMC

CITY ATTORNEY

YVETTE M. ABICH GARCIA

February 28, 2014

Sachi A. Hamai, Executive Officer
Kenneth Hahn Hall of Administration
500 West Temple Street, Room 383
Los Angeles, CA 90012

SUBJECT: JUNE 3, 2014 – SPECIAL MUNICIPAL ELECTION

Dear Ms. Hamai:

On January 30, 2014, the City of Downey requested the consolidation of a Special Municipal Election with the Statewide Primary Election on June 3, 2014. The previous resolution adopted contained a clerical error. The City Council of the City of Downey has re-adopted the resolution with the correction. Enclosed are two certified copies of the re-adopted Resolution.

Resolution No.
14-7469

Requesting the Board of Supervisors of the County of Los Angeles to Consolidate a Special Municipal Election to be held on Tuesday, June 3, 2014, with the Statewide Primary Election to be held on that date pursuant to Section 10409 of the Elections Code to Consider the Adoption of a Charter Amendment and submitting the Proposed Text, Ballot Label and City Attorney's Impartial Analysis for such Proposed Charter Amendment.

Should any further action be required by us, or should you require additional information, please do not hesitate to contact me at (562) 904-7280.

Sincerely,

Adria M. Jimenez, CMC
City Clerk

Enclosures

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

59 March 18, 2014

SACHI A. HAMAI
EXECUTIVE OFFICER

RESOLUTION NO. 14-7469

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DOWNEY, CALIFORNIA REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO CONSOLIDATE A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, JUNE 3, 2014, WITH THE STATEWIDE PRIMARY ELECTION TO BE HELD ON THAT DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE TO CONSIDER THE ADOPTION OF A CHARTER AMENDMENT AND SUBMITTING THE PROPOSED TEXT, BALLOT LABEL AND CITY ATTORNEY'S IMPARTIAL ANALYSIS FOR SUCH PROPOSED CHARTER AMENDMENT

WHEREAS, the City Council of the City of Downey received an initiative petition containing the requisite number of signatures to place on the ballot an amendment to Article VII, Section 702 of the Downey City Charter ("Charter Amendment") relating to permitting the City to contract out fire and police protection services without voter approval; and,

WHEREAS, on June 11, 2013, the City Council determined to place the proposed Charter Amendment on the June 3, 2014 election ballot;

WHEREAS, it is desirable that the special municipal election to consider the adoption of the proposed Charter Amendment be consolidated with the Statewide Primary Election to be held on the same date and that within the city precincts, polling places and election officers of the two elections be the same, and that the county election department of the County of Los Angeles canvass the returns of the Statewide Primary Election and that the election be held in all respects as if there were only one election.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DOWNEY DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

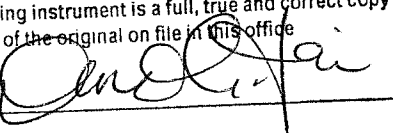
SECTION 1. That pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Los Angeles is hereby requested to consent and agree to the consolidation of a Special Municipal Election with the (Statewide Primary) Election on Tuesday, June 3, 2014, for the purpose of submitting to the voters a proposed Charter Amendment attached hereto as Exhibit A as to which the ballot label pursuant to Elections Code section 9051 (b) shall read as follows:

<u>CHARTER AMENDMENT NO. 14</u> Shall section 702 of the Charter be amended to remove the requirement that the City shall provide for the staffing of the police and fire departments through its own staff and to remove the requirement that a two-thirds advisory vote is necessary before the City Council may consider alternative methods or agreements for providing police and fire services?	YES
	NO

SECTION 2. That pursuant to Section 9280 of the Elections Code, the City Attorney's Impartial Analysis for such Charter Amendment shall be as set forth in Exhibit B.

The foregoing instrument is a full, true and correct copy
of the original on file in this office

ATTEST:



City Clerk of the City of Downey

SECTION 3. That the Registrar of Voters of the County of Los Angeles is authorized to canvass the returns of the Special Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used; and, the election will be held and conducted in a manner prescribed in Election Code Section 10419.

SECTION 4. That the Board of Supervisors is requested to issue instructions to the Registrar of Voters to take any and all steps necessary for the holding of the consolidated election.

SECTION 5. That the City of Downey recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

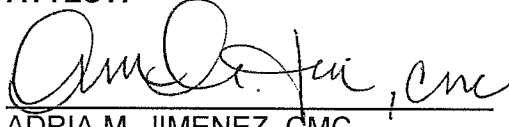
SECTION 6. That the City Clerk is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and the Registrar of Voters of the County of Los Angeles.

SECTION 7. That the City Clerk shall certify to the passage and adoption of this Resolution.

APPROVED AND RE-ADOPTED this 28th day of February, 2014.

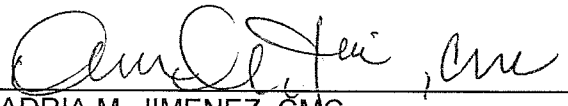

FERNANDO VASQUEZ
Mayor

ATTEST:


ADRIA M. JIMENEZ, CMC
City Clerk

I HEREBY CERTIFY that the foregoing Resolution was re-adopted by the City Council of the City of Downey at a special meeting thereof held on the 28th day of February 2014, by the following vote, to wit:

AYES:	Council Members:	Guerra, Saab, Marquez, Mayor Vasquez
NOES:	Council Members:	None
ABSTAIN:	Council Members:	None
ABSENT:	Council Members:	Brossmer


ADRIA M. JIMENEZ, CMC
City Clerk

PROPOSED LAW

This proposed measure to amend the Charter of the City of Downey is submitted to the people of Downey in accordance with the provisions of the California Elections Code Section 9255, *et seq.*

The people of the City of Downey do ordain as follows:

THE CITY OF DOWNEY CHARTER IMPROVEMENT & TAXPAYER PROTECTION ACT

SECTION 1. Title.

This measure shall be known and may be cited as the City of Downey Charter Improvement & Taxpayer Protection Act.

SECTION 2. Findings and Declarations.

(1) In 1998 Downey voters passed Charter Amendment 702. Charter Amendment 702 states that *the City shall provide through its own staff for the following departments: police and fire.* Charter Amendment 702 allows the City Council to provide fire or police services through contractors or others not on City staff *only if the question is first submitted for an advisory vote and authorized by the affirmative votes of two-thirds of the voters voting on such advisory measure at a general municipal election.*

(2) Politicians choosing to play politics with our police and fire protection to promote their own self-serving political agenda have implemented policies that are in direct conflict with Charter Amendment 702. In fact, for 10 years or more, vital police and fire services have been outsourced to non-sworn, non-City employees. Downey City Jail operations have been handed over to a private company. Moreover, although they wear Downey Fire Department uniforms and operate Downey Fire Department vehicles and equipment, many Emergency Medical Technicians (EMTs) transporting Downey patients to the hospital in Advanced Life Support (ALS) and Basic Life Support (BLS) emergencies are not City of Downey employees. They are hired, trained and paid by a private company. Before outsourcing these police and fire services to private companies, the City Council did not submit either outsourcing decision for a vote of the people. This outsourcing of public safety functions without prior voter approval is inconsistent with Charter Amendment 702 and, if left uncorrected, it could continue to expose Downey taxpayers to legal challenges and significant damage awards.

(3) Charter Amendment 702's requirement that an "advisory vote" be approved by *two-thirds of the voters voting on such advisory measure* itself is likely unlawful as inconsistent with Article 11, Section 7.5 of the California State Constitution.

(4) The Downey City Council was notified that the City is conducting police, fire and paramedic operations in violation of Charter Amendment 702. Yet, the City Council

majority refuses to take the steps necessary to bring these emergency services operations into compliance with Charter Amendment 702. Therefore, the people must act and eliminate the legal and financial threats posed by Charter Amendment 702.

SECTION 3. Amendment of the Charter of the City of Downey.

[This initiative measure amends sections of the Charter of the City of Downey; therefore, added text is printed in *italic type*, and deleted text in ~~strikeout~~.]

Section 702. ADMINISTRATIVE FUNCTIONS. ~~The City shall provide through its own staff for the following departments: police and fire. Without amending this provision of the Charter, the City Council may consider an agreement or use a method to provide fire or police services other than through the City's own staff only if such agreement or method is first submitted for an advisory vote and authorized by the affirmative votes of two-thirds of the voters voting on such advisory measure at a general municipal election. This two-thirds voting requirement shall not apply to charter amendments.~~ The City shall also provide the following functions and services: finance, public works, water, building & safety, *police, fire*, city planning and library. The City Council may provide by ordinance or resolution not inconsistent with this Charter for the organization, conduct and operation of the functions of the City as established by this Charter, for the creation of additional functions, departments, divisions, offices and agencies and for their consolidation or alteration. It may further provide by ordinance or resolution for the assignment and reassignment of functions, duties, offices and agencies to offices and departments, and for the number, titles, qualifications, powers, duties, and compensation of all officers and employees, *and for contracts for the furnishing of fire services, including contracts for fire protective services with local agencies as provided in Government Code Section 55632,* consistent with this Charter. Each department so created shall be headed by a department head.

SECTION 4. Effective Date.

The amendment to Section 702 of the Charter of the City of Downey shall be effective on the date of this measure's enactment.

**CITY ATTORNEY'S IMPARTIAL ANALYSIS
OF MEASURE ____**

Measure ____ is a proposed amendment to Article VII section 702 of the Downey City Charter which would have the following effects:

1. It would remove current language in section 702 of the City Charter which requires that the City shall provide for the staffing of the police and fire departments through its own staff, unless it submits for an advisory vote an alternative method or agreement and obtains a two-thirds approval by the City's voters.

2. It would insert "police and fire" into a list of functions and services for which the "City shall provide as follows: "finance, public works, water, building & safety, police, fire, city planning and library."

3. It further provides that the City Council may provide for contracts for the furnishing of fire services including fire protective services with a neighboring city, county, fire protection district, joint powers authority that provides fire protection services, police protection district, federal government or any federal department or agency as provided by Government Code section 55632.

4. If the amendment is adopted, under the amended Charter, the City Council would have the discretion, without prior voter approval, to decide how to furnish fire and police services.

A "Yes" vote means the voter approves the proposed changes that this Charter Amendment would make. A "No" vote means the voter does not approve the proposed Charter Amendment, and no changes will be made to the City's Charter. This Charter Amendment will become effective if a majority of those voting on this Measure vote "Yes."

This proposed amendment to Article VII, section 702 was placed on the June 3, 2014 ballot by petition signed by the requisite number of voters.

Yvette M. Abich Garcia
Downey City Attorney

The above statement is an impartial analysis of Measure _____. If you desire a copy of the ordinance or measure, please call the Downey City Clerk's Office at (562) 904-7280 and a copy will be mailed at no cost to you.